

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	1:10CR59-1
	:	
v.	:	
	:	
NATHANIEL LEON PHILLIPS	:	FACTUAL BASIS

NOW COMES the United States of America, by and through Anna Mills Wagoner, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states the following:

An undercover online FBI investigation into child pornography led to Nathaniel Leon Phillips of Carthage, who also had pending state charges of child pornography stemming from an earlier investigation.

An FBI investigation based in Cleveland, Ohio, used peer-to-peer (P2P) software to access shared files within an online P2P network. On September 17, 2009, the investigator received this invitation from a user "Babyboy467": "hi i love the little ones to i have lots of pics and videos". Babyboy467 was sharing approximately 1,545 files, most of which were child pornography as defined in 18 U.S.C. § 2256(8). The investigator downloaded 100 image files on September 19, 2009, directly from Babyboy467. The 100 images had file names descriptive of child pornography and incest, and the images included depictions of sexual activity between adult males and children as young as

infants.

The IP address was identified and resolved the residence of Nathaniel Leon PHILLIPS in Carthage, North Carolina.

Investigators later saw that PHILLIPS had been charged with child pornography offenses one year before the current investigation.

On April 3, 2008, PHILLIPS sold a Play Station Portable (PSP) handheld game system to a co-worker, who later found child pornography on the device. The co-worker contacted police, turned over the PSP, and told PHILLIPS he had done so. PHILLIPS then said he had to go home and destroy his computer because 'it had terrorist stuff on it.' Police obtained a state search warrant and seized PHILLIPS' home computer and other related devices. A large number of child pornography images and videos was found in the computer items PHILLIPS possessed. Police also seized a footlocker from PHILLIPS' bedroom, which contained adult-sized baby items. PHILLIPS declined to make any statement to police regarding the charges.

As a result of the September 2009, investigation, a federal search warrant was obtained and executed, November 3, 2009. Once again, forensic examination of the computer in Phillip's possession showed child pornography images and videos which had been downloaded through the internet. The depictions of child pornography included sexual activity between adult males and children as young as infants. The content included previously

identified actual child victims.

This the 26th day of April, 2010.

Respectfully submitted,

ANNA MILLS WAGONER  
United States Attorney

/S/ ANAND P. RAMASWAMY  
Assistant United States Attorney  
NCSB #24991  
United States Attorney's Office  
Middle District of North Carolina  
P.O. Box 1858  
Greensboro, NC 27402  
Phone: 336/333-5351

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA                   :           1:10CR59-1  
  :  
  :  
  :  
  :  
  :  
NATHANIEL LEON PHILLIPS                   :

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2010, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Eddie H. Meacham, Esq.

/S/ ANAND P. RAMASWAMY  
Assistant United States Attorney  
NCSB #24991  
United States Attorney's Office  
Middle District of North Carolina  
P.O. Box 1858  
Greensboro, NC 27402  
Phone: 336/333-5351